

MOSER LAW FIRM, PC



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May 2, 2024

**VIA ECF**

Hon. Steven I. Locke, USMJ  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11717

Re: *Hernandez, et al. v. Rosso Uptown Ltd, et al.*, Case No. 20-cv-04026

Dear Judge Locke:

I write as directed by the Court in anticipation of the May 14, 2024 conference.

On April 18, 2024 a draft pretrial order was prepared but was not emailed to the Defendants due to an oversight. Despite a history of numerous email communications between my office and the pro-se Defendants, the Defendants did not call or message my office regarding the oversight. Instead, on April 19, 2024 the Defendants each wrote a letter, which was prepared with obvious aid of counsel, requesting dismissal of the within action.

On April 25, 2024, within 1 hour of the Court's order, the proposed pretrial order was sent to the Defendants. Mr. Gammella has since provided his proposed contributions to the proposed pretrial order and we do not anticipate any issues meeting the current deadline for submission of the joint pretrial order.

I apologize to the Court and to the Defendants for the oversight on April 18, 2024.<sup>1</sup> I have been working on this case without any compensation since 2020. Plaintiffs' claims are meritorious.

Respectfully Submitted,

*Steven J. Moser*

Steven J. Moser

CC: Pro-Se Defendants (Via Email)

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<sup>1</sup> I respectfully request leave to provide further details to the Court regarding the reasons for the delay in person at the upcoming conference.